

## HOUSE BILL NO. 281

INTRODUCED BY S. SALES

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A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE X, SECTION 9, OF THE MONTANA CONSTITUTION TO ELIMINATE THE REQUIREMENT THAT THE BOARD OF REGENTS OF HIGHER EDUCATION APPOINT A COMMISSIONER OF HIGHER EDUCATION; AND REMOVING THE COMMISSIONER OF HIGHER EDUCATION AS AN EX OFFICIO MEMBER OF THE BOARD OF PUBLIC EDUCATION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Article X, section 9, of The Constitution of the State of Montana is amended to read:

**"Section 9. Boards of education.** (1) There is a state board of education composed of the board of regents of higher education and the board of public education. It is responsible for long-range planning, and for coordinating and evaluating policies and programs for the state's educational systems. It shall submit unified budget requests. A tie vote at any meeting may be broken by the governor, who is an ex officio member of each component board.

(2) (a) The government and control of the Montana university system is vested in a board of regents of higher education which shall have full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system and shall supervise and coordinate other public educational institutions assigned by law.

(b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms, as provided by law. The governor and superintendent of public instruction are ex officio non-voting members of the board.

~~(c) The board shall appoint a commissioner of higher education and prescribe his term and duties.~~

~~(d)(c)~~ The funds and appropriations under the control of the board of regents are subject to the same audit provisions as are all other state funds.

(3) (a) There is a board of public education to exercise general supervision over the public school system and such other public educational institutions as may be assigned by law. Other duties of the board shall be provided by law.

1 (b) The board consists of seven members appointed by the governor, and confirmed by the senate, to  
2 overlapping terms as provided by law. The governor, ~~commissioner of higher education~~ and state superintendent  
3 of public instruction shall be ex officio non-voting members of the board."  
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5 NEW SECTION. **Section 2. Submission to electorate.** This amendment shall be submitted to the  
6 qualified electors of Montana at the general election to be held in November 2004 by printing on the ballot the  
7 full title of this act and the following:

- 8 [] FOR eliminating the requirement that the board of regents appoint a commissioner of higher  
9 education.  
10 [] AGAINST eliminating the requirement that the board of regents appoint a commissioner of  
11 higher education.

12 - END -